

**REMARKS**

Claim 1 has been amended to recite the length of the short fiber as well as to include the unentered amendment from the Rule 116 Amendment filed March 23, 2009. Support for amended Claim 1 can be found at paragraph [0050]. Claim 3 has been canceled. Claims 9, 11 and 13 have been amended to correct dependencies. Upon entry of this Amendment, which is respectfully requested, Claims 1-2 and 4-14 will be pending.

**Response to Claim Rejections Under § 103**

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP2001-062934 to Takayuki et al. ("JP '934) in view of U.S. Patent No. 4,201,308 to Neumann.

Claims 5, 7-10 and 13-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP '934 and Neumann as applied to claims 1-4 in view of U.S. Patent Application No. 2002/0110686 to Dugan.

Claims 6 and 11-12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP '934 and Neumann in view of U.S. Patent Application No. 2002/0077391 to McInnes.

Applicants respectfully traverse.

The present claims relate to a puncture sealing agent comprising a rubber latex solution; a short fiber; and a clay based viscosity improver, wherein the viscosity of the rubber latex solution after addition of the clay based viscosity improver thereto is from 3 to 6000 mPa·s in the range of +50 to -20°C, and wherein a diameter (D) of the short fiber is in the range of:  $5 \leq D \leq 30 \mu\text{m}$  and a length (L) of the short fiber is in the range of 2 mm to 7 mm.

In contrast, Takayuki discloses at paragraph [0010] that “[s]ince the vinylon staple fiber dissolves immediately in a tire blowout repair agent in less than 50 micrometers, it becomes impossible for a path to plug up a blowout hole with the vinylon staple fiber (fall of blowout repair performance).” Thus, Takayuki teaches away from the present invention.

According to the present invention, Applicants seek to provide a puncture sealing agent that does not cause deterioration of performance, such as separation, even after long period storage and is excellent in the puncture hole sealing property. *See*, paragraph [0016].

In contrast, Neumann seeks to provide an aqueous or water-based sealant composition which is substantially, virtually or entirely free of objectionable or flammable organic solvents (e.g., more than 80% by volume of the total solvent or liquid vehicle content is water) and which does not require oven-drying. Neumann further seeks to provide a liquid sealant composition that, although being water-based, has a sufficiently high level of solids to be capable of setting effectively, on a production basis, under air-drying conditions, even within the setting time associated with air-drying, solvent-based sealants (e.g., up to but not more than two days). *See*, col. 2, lines 21-32. Thus, Neumann is not “reasonably pertinent to the particular problem with which Applicant is concerned,” and as such, Neumann fails to meet the standard required by *In re Oetiker*, contrary to the Examiner’s assertion.

Takayuki, Neumann, Dugan and McInnes fail to render obvious the present claims since Takayuki specifically teaches away from using a short fiber being less than 50  $\mu\text{m}$ , and further, one skilled in the art would not be motivated to modify Takayuki with Neumann since Neumann

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is not in Applicants' field of endeavor and fails to be reasonably pertinent to the particular problem with which the Applicants are concerned.

Dugan and McInnes fail to make up for the deficiencies of Takayuki and Neumann. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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